



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 13.08.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE S.KANNAMMAL

W.A.No.1164 of 2021
and C.M.P.No.7338 of 2021

M/s.Vani Vilas Finance Limited
Rep. By its Director:
Sunil Kumar Patwa,
Shanthi Complex, Second Floor,
Hosur 635 109.

.. Appellant/Petitioner

Vs

1.General Manager,
Reserve Bank of India
Department of Non Banking Supervision,
Fort Glacis,
No.16, Rajaji Salai,
Chennai - 600 001.

2.Executive Director,
Reserve Bank of India,
Department of Regulation,
Central Office, Mumbai.

.. Respondents/Respondents

Appeal filed under Clause 15 of Letters Patent against the order dated 02.03.2021 passed in W.P.No.12335 of 2020.

Prayer in W.P.No.12335 of 2020: Writ Petition filed under Article 226 of the Constitution of India for Writ of certiorari calling for the records on the file of the 2nd respondent order dated 25.06.2020 received under covering letter DOS / Che No. / 002 / 13.23.502 / 2020-21 dated 6.7.2020 and quash the same as illegal without jurisdiction contrary to the provisions of the act and against the principles of Natural Justice and fair play.

For Appellant	:	Mr.T.Pramodkumar Chopda
For Respondents	:	Mr.C.Mohan for M/s.King & Patridge

JUDGMENT

(Delivered by M.M.SUNDRESH, J.)

This appeal is preferred against the order dated 02.03.2021 passed in W.P.No.12335 of 2020.



2. After hearing the counsel at length, we raised the query to the learned counsel appearing for the appellant that an order could be passed on merit or not in the event of this Court not agreeing with the contentions raised.

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3. On instructions, when the matter is taken up for hearing today, the learned counsel appearing for the appellant submitted that the appellant may be permitted to file an appeal within a period of one month from the date of receipt of a copy of this judgment, in which case, all the issues dealt with by the learned single Judge may be left open.

4. Learned counsel appearing for the respondents submitted that the Appellate Authority would consider the issues raised before it and, therefore, it is for the said authority to consider the same.

5. Taking note of the aforesaid submission, we are inclined to permit the appellant to file an appeal before the Appellate Authority, within a period of one month from the date of receipt of a copy of the judgment since the learned Single Judge himself has permitted the appellant to file an appeal, it is only proper to indicate that the Appellate Authority shall decide the appeal on its own merit without being influenced by the observations made by the learned Single Judge in the order under appeal and also in the appeal disposed of by us.

6. Accordingly, the appellant is given liberty to file an appeal under Section 45-IA(7) of the Reserve Bank of India Act before the appellate authority within a period of one month from the date of receipt of a copy of this judgment. The appellate authority shall dispose of the appeal on its own merit without taking note of the observations made in the writ petition. Since the appellate authority is not before us, it is not proper for us to give any outer time limit for the disposal of the appeal. Suffice it to state that the appellate authority is expected to dispose of the appeal expeditiously.

7. With the above observation, the writ appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mmi/ssm



To

1.The General Manager,
Reserve Bank of India
Department of Non Banking Supervision,
Fort Glacis,
No.16, Rajaji Salai,
Chennai - 600 001.

2.The Executive Director,
Reserve Bank of India,
Department of Regulation,
Central Office, Mumbai.

+1cc to Mr.T.Pramodkumar Chopda, Advocate, S.R.No.40460
+1cc to M/s.King & Patridge, Advocate SR.No. 40345

W.A.No.1164 of 2021

SR II (CO)
B.VC (18/08/2021)